

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

COLTON H. NELSON, d.o.b. XX/XX/98

Case No.

23 M 624

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 8, 2022 in the county of Winnebago in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252A(a)(2) and 18
U.S.C. § 2252(a)(4)(B)

Possess and distribute child pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 2-27-2023

City and state: Green Bay, Wisconsin

Complainant's signature

Detective Kyle Schroeder

Printed name and title

Judge's signature

Honorable James R. Sickel

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Kyle Schroeder, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an Investigator with the Winnebago County Sheriff's Office and have been so employed since September 16th, 2002. I am currently assigned to the Detective's Division of the Winnebago County Sheriff's Office, which is located within the City of Oshkosh, State of Wisconsin. I presently aid in the investigation of sensitive crimes as a duly appointed law enforcement officer, and am authorized to investigate violent crimes against children, to include the distribution of child sexual abuse material.

2. I have received training related to the investigation and enforcement of child pornography and child exploitation laws. As a result of this training and my experience, I am familiar with the methods by which electronic devices are used as the means for receiving, transmitting, possessing, and distributing images and videos depicting minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). I have also received training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, electronic device evidence identification, electronic device evidence seizure and processing, and various other criminal laws and procedures.

3. The facts in this affidavit come from my personal observations, training, experience, and/or information obtained from other law enforcement officers and/or witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about September 8th, 2022, COLTON H. NELSON DOB: 08/31/1998 used a Peer to Peer (P2P) file sharing system to possess and distribute child pornography in violation of 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252(a)(4)(B).

5. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint, I have not included every fact known to me concerning this investigation. I have attempted to set forth only the facts I believe are pertinent to establishing the necessary foundation for the complaint and corresponding arrest warrant.

BACKGROUND ON P2P FILE SHARING SYSTEM

6. Peer to Peer (P2P) file sharing allows people using P2P software to download and share files with other P2P users using the same or compatible P2P software. P2P software is

readily available on the Internet and often free to download. Internet connected devices such as computers, tablets and smartphones running P2P software form a P2P network that allow users on the network to share digital files. BitTorrent is one of many P2P networks. For a user to become part of the BitTorrent network, the user must first obtain BitTorrent software and install it on a device. When the BitTorrent software is running and the device is connected to the Internet, the user will be able to download files from other users on the network and share files from their device with other BitTorrent users.

7. Users of the BitTorrent network wishing to share new content will use a BitTorrent program to create a “torrent” file for the file or group of files they wish to share. A torrent file is a small file that contains information about the file(s) and provides a method for a user to download the file(s) referenced in the torrent from other BitTorrent users. Torrent files are typically found as the result of keyword searches on Internet sites that host or link to them. Torrent files may be referenced by their “infohash”, which uniquely identifies the torrent based on the file(s) associated with the torrent file.

8. To download file(s) from other users on the BitTorrent network, a user typically obtains a torrent file. The BitTorrent software processes the information in the torrent file and locates devices on the BitTorrent network sharing all or parts of the actual file(s) being sought. The download of the content referenced in the torrent is achieved after the requesting computer and the sharing computer(s) directly connect to each other through the Internet using the BitTorrent software.

DETAILS OF THE INVESTIGATION

9. On September 8th 2022, in the Eastern District of Wisconsin, I was conducting an online investigation on the BitTorrent network for offenders sharing child pornography. I

directed my investigative focus to a device at IP address 70.92.71.30, because it was associated with a torrent with the infohash: 157f02da6d290ea6cfb5eeeb70cc9ac41dd46d55. This torrent file references 23 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.

10. Using a computer running investigative BitTorrent software, I directly connected to the device at IP address 70.92.71.30, hereinafter referred to as "Suspect Device". The Suspect Device reported it was using BitTorrent client software -UW1293-libtorrent/1.2.2.0.

11. On Thursday, September 8, 2022, between 1934 hrs and 2014 hrs, a partial download was successfully completed of the following file that the device at IP address 70.92.71.30 was making available. The device at IP Address 70.92.71.30 was the sole candidate for each download, and as such, each file was downloaded directly from this IP Address.

12. ((Pthc][otstoi]2019-2.mp4 is a video which depicts a nude prepubescent female kneeling between a nude adult male's legs who has his erect penis exposed. The prepubescent female can be seen rubbing what appears to be lotion on the adult male's legs, stomach and penis. The scene then changes and it appears the prepubescent female is on her hands and knees and the adult male is inserting his erect penis into her vagina. The infohash for this file is 157f02da6d290ea6cfb5eeeb70cc9ac41dd6d55.

13. On Thursday, September 8, 2022, I was conducting an online investigation on the BitTorrent network for offenders sharing child pornography. An investigation was initiated for a device at IP address 70.92.71.30, because it was associated with a torrent with the infohash: 0f7cd969cb7216eca5a80fd28ca5972eae554af. This torrent file references 22 files, at least one of which was identified as being a file of investigative interest to child pornography investigations.

14. Using a computer running investigative BitTorrent software, a direct connection was made to the device at IP address 70.92.71.30, hereinafter referred to as "Suspect Device". The Suspect Device reported it was using BitTorrent client software -UW1293-libtorrent/1.2.2.0.

15. Between Thursday, September 8, 2022 at 2009 hrs and Friday, September 9, 2022 at 1944 hrs, a download was successfully completed of the following 20 file(s) that the device at IP address 70.92.71.30 was making available. The device at IP Address 70.92.71.30 was the sole candidate for each download, and as such, each file was downloaded directly from this IP Address. Of 20 files that were successfully downloaded from the suspect device, 3 images contain depictions of child sexual exploitation. These files are as follows: 2.mpeg.jpg is an image containing 20 separate images that appear to be screenshots taken from a video. The collection of images depicts a nude prepubescent female and nude adult male. The prepubescent female can be seen performing oral sex on the adult male. In other images the adult male can be seen penetrating the prepubescent female's vagina with his erect penis.

16. 6.mp4.jpg is an image containing 20 separate images that appear to be screenshots taken from a video. The collection of images depicts a prepubescent female performing oral sex on an adult male as well as close up images of the prepubescent female's vagina. 14.avi.jpg is an image containing 20 separate images that appear to be screenshots taken from a video. The collection of images depict a prepubescent female wearing a red blouse performing oral sex on an adult male.

17. On Monday, September 12, 2022 a query was made on the IP address 70.92.71.30 through the American Registry for Internet Numbers (ARIN). ARIN reported IP address 70.92.71.30 to be registered to Charter Communications Inc.

18. On Tuesday, February 21st, 2023, your affiant applied for and was granted a search warrant for 616 Elizabeth St. in the City of Menasha, within Winnebago County, WI. based upon the aforementioned information.

19. On Friday, February 24th, 2023, this same warrant was executed at 616 Elizabeth St. and contact was made with Colton H. Nelson. During a discussion with your affiant, Nelson admitted to using a torrent browser system and having seen prepubescent pornography. Nelson denied using his system to share files on the torrent system and denied having an affinity for prepubescent child pornography. Although Nelson denies sharing any of this data, his involvement in a P2P file sharing system would appear to prove this statement to be false.

20. While this discussion was taking place a preview of Nelson's computer hard drives was being conducted by Craig Mantzke, a technical analyst for the State of Wisconsin, Department of Justice, Division of Criminal Investigations.

21. During this download 15 folders of content were analyzed containing a total of 8,403 videos and images. Of the 8,403 images which were analyzed the predominant majority of them contained child pornography of boys and girls from the age range of infant through prepubescent. The files depict a wide array of sexual activities among children and adults as well as children with other children. All of these images have been preserved as evidence for this investigation.

CONCLUSION

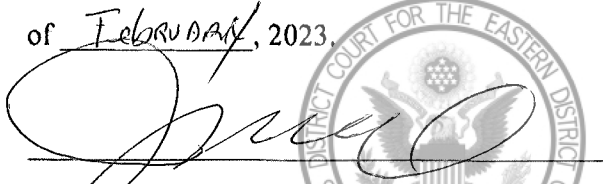
22. Based on the foregoing, there is probable cause to believe that Colton H. Nelson has utilized the P2P network system to possess and distribute child pornography in violation of 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252(a)(4)(B).



Detective Kyle Schroeder

Winnebago County Sheriff's Office

Subscribed and sworn before me this 27 day
of February, 2023.


The Honorable James R. Sickel
United States Magistrate Judge